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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Donn P. Cummings

Serial No.: 10/804,570

Filed: March 19, 2004

For: PLANTS AND SEEDS OF CORN  
VARIETY I071535

Group Art Unit: 1638

Examiner: Kubelik, Anne R.

Atty. Dkt. No.: DEKA:328US

Confirmation No. 7081

**CERTIFICATE OF ELECTRONIC TRANSMISSION**  
37 C.F.R. § 1.8

I hereby certify that this correspondence is being electronically filed with the United States Patent and Trademark Office via EFS-Web on the date below:

April 10, 2008  
Date

  
Robert E. Hanson

**AMENDMENT UNDER 37 C.F.R. §1.312**

**MS Issue Fee**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

This paper is submitted pursuant to the Notice of Allowability mailed March 18, 2008. The instant Amendment is being filed concurrently with the payment of the Issue Fee in the case. The Amendment is made to insert information concerning a biological deposit of seed. A declaration demonstrating that the referenced seed deposit meets the requirements of 37 C.F.R. § 1.801- §1.809 is being filed concurrently herewith.

No fees are believed to be due in connection with the instant paper. However, should such fees be due, consider this paragraph a request and authorization to withdraw the appropriate

fee under 37 C.F.R. §§ 1.16 to 1.21 from Sonnenschein Nath & Rosenthal LLP Deposit Account  
No. 19-3140/DEKA:328US.

## AMENDMENT

### **In the Specification:**

Please amend the specification on page 27, line 5, as follows:

A representative deposit of 2500 seeds of the inbred corn variety designated I071535 has been made with the American Type Culture Collection (ATCC), 10801 University Blvd., Manassas, VA on [(\_\_\_\_\_, \_\_\_\_)]August 7, 2007. Those deposited seeds have been assigned ATCC Accession No. [[- - - -]]PTA-8570. The deposit was made in accordance with the terms and provisions of the Budapest Treaty relating to deposit of microorganisms and was made for a term of at least thirty (30) years and at least five (05) years after the most recent request for the furnishing of a sample of the deposit is received by the depository, or for the effective term of the patent, whichever is longer, and will be replaced if it becomes non-viable during that period.

## CLAIM AMENDMENT

Please amend the claims as follows:

1. (Currently amended) A seed of the corn variety I071535, wherein a sample of the seed of the corn variety I071535 was deposited under ATCC Accession No. ~~[[ - - - - ]]~~PTA-8570.
2. (Currently amended) A population of seed of the corn variety I071535, wherein a sample of the seed of the corn variety I071535 was deposited under ATCC Accession No. ~~[[ - - - - ]]~~PTA-8570.
- 3-4. (Canceled)
5. (Currently amended) A corn plant of corn variety I071535, wherein a sample of the seed of the corn variety I071535 was deposited under ATCC Accession No. ~~[[ - - - - ]]~~PTA-8570.
6. (Original) A plant part of the corn plant of claim 5.
7. (Original) The plant part of claim 6, further defined as pollen, an ovule or a cell.
8. (Currently amended) An essentially homogeneous population of corn plants of the corn variety I071535, wherein a sample of the seed of the corn variety I071535 was deposited under ATCC Accession No. ~~[[ - - - - ]]~~PTA-8570.
9. (Currently amended) A corn plant expressing all of the physiological and morphological characteristics of the corn variety I071535, wherein a sample of the seed of the corn variety I071535 was deposited under ATCC Accession No. ~~[[ - - - - ]]~~PTA-8570.
10. (Currently amended) A corn plant of corn variety I071535, further comprising a nuclear or cytoplasmic gene conferring male sterility introduced by genetic transformation or single gene conversion, wherein a sample of the seed of the corn variety I071535 was deposited under ATCC Accession No. ~~[[ - - - - ]]~~PTA-8570.

11. (Currently amended) A tissue culture of cells of a plant of corn variety I071535, wherein a sample of the seed of the corn variety I071535 was deposited under ATCC Accession No. [[- - -]]PTA-8570.

12. (Original) The tissue culture of claim 11, wherein the cells comprise cells derived from embryos, immature embryos, meristematic cells, immature tassels, microspores, pollen, leaves, anthers, roots, root tips, silk, flowers, kernels, ears, cobs, husks, or stalks.

13. (Original) The tissue culture of claim 12, wherein the cells comprise protoplasts or callus cells.

14. (Currently amended) A corn plant regenerated from the tissue culture of claim 11, wherein the corn plant is capable of expressing all of the physiological and morphological characteristics of the corn variety I071535, wherein a sample of the seed of the corn variety I071535 was deposited under ATCC Accession No. [[- - - -]]PTA-8570.

15. (Currently amended) A process of producing corn seed, comprising crossing a first parent corn plant with a second parent corn plant, wherein one or both of the first or the second parent corn plant is a plant of the corn variety I071535, wherein a sample of the seed of the corn variety I071535 was deposited under ATCC Accession No. [[- - - -]]PTA-8570, wherein seed is allowed to form.

16. (Currently amended) The process of claim 15, further defined as a process of producing hybrid corn seed, comprising crossing a first inbred corn plant with a second, distinct inbred corn plant, wherein the first or second inbred corn plant is a plant of the corn variety I071535, wherein a sample of the seed of the corn variety I071535 was deposited under ATCC Accession No. [[- - - -]]PTA-8570.

17. (Original) The process of claim 16, wherein crossing comprises the steps of:

- (a) planting the seeds of first and second inbred corn plants;
- (b) cultivating the seeds of said first and second inbred corn plants into plants that bear flowers;
- (c) preventing self pollination of at least one of the first or second inbred corn plant;

- (d) allowing cross-pollination to occur between the first and second inbred corn plants; and
- (e) harvesting seeds on at least one of the first or second inbred corn plants, said seeds resulting from said cross-pollination.

18. (Currently amended) A corn plant of corn variety I071535, further comprising a transgene introduced by genetic transformation, wherein a sample of the seed of the corn variety I071535 was deposited under ATCC Accession No. [[- - - - ]]PTA-8570.

19. (Currently amended) A method of producing an inbred corn plant derived from the corn variety I071535, the method comprising the steps of:

- (a) preparing a progeny plant derived from corn variety I071535 by crossing a plant of the corn variety I071535 with a second corn plant, wherein a sample of the seed of the corn variety I071535 was deposited under ATCC Accession No. [[- - - - ]]PTA-8570;
- (b) crossing the progeny plant with itself or a second plant to produce a seed of a progeny plant of a subsequent generation;
- (c) growing a progeny plant of a subsequent generation from said seed and crossing the progeny plant of a subsequent generation with itself or a second plant; and
- (d) repeating steps (b) and (c) for an additional 2-10 generations to produce an inbred corn plant derived from the corn variety I071535.

20. (Currently amended) A method of producing a conversion of the corn variety I071535 to express at least one new trait, the method comprising the steps of:

- (a) crossing a first corn plant comprising a genetic locus that confers at least one new trait, with a second plant of the corn variety I071535, a sample of the seed of the corn variety I071535 having been deposited under ATCC Accession No. [[- - - - ]]PTA-8570, to produce seed comprising the genetic locus that confers the new trait;
- (b) harvesting and planting the seed thereby produced to produce at least one progeny plant of the first filial generation, said progeny plant comprising the genetic locus;